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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,294	12/06/2001	Jonathan James Stone	450110-03712	2668
20999	7590	09/26/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			BHATNAGAR, ANAND P	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,294

Applicant(s)

STONE ET AL.

Examiner

Anand Bhatnagar

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 39-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 and 59-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/25/02&09/02/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election of Group I with traverse of the restriction in the reply filed on 03/07/05 is acknowledged. The traversal is on the ground(s) that Group II claims (#25-33 and 35) recite the same limitation as are found in claim 1 of Group I (1-24, 34, 36-38, and 59-62. After further consideration, applicant's argument is persuasive and examiner withdraws the restriction between Group I and Group II claims. In the restriction given by the examiner on 01/31/05 there were three Groups in the restriction and there is no mention of the third group (claims 39-58) in applicant's remarks in the election filed. Therefore examiner maintains the restriction on Group III and these claims (39-58) are withdrawn from consideration and are now considered Group II. Examiner will examine claims 1-28 and 59-62 (now considered Group I).

The requirement is still deemed proper and is therefore made FINAL.

DETAILED ACTION

Specification

2. The abstract of the disclosure is objected to because throughout the specifications as well as in the claims applicant has used variables wherein it looks like the variables are being multiplied instead which is improper and confusing. For example, in claim 1 applicant gives the formula as $C_i' = C_i + \alpha_i R_i$. One skilled in the art can see this as pairs or more of variables being multiplied together. Taking the left side of the equation it states C_i' but one skilled in the art

may interpret this as C being multiplied by i' while it is only one variable not two.

The same goes for the other side of the equation and everywhere else in the specifications. As shown in figures 5,6,7, etc. of applicant's instant invention that the i 's should be subscripts for the variables. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 35 objected to because of the following informalities: Claim 35 is a dependent claim written in independent form which depends from claim 25 which in turn is also a dependent claim written in dependent form. This is improper since it is unsure that claim 35 incorporates all the limitations of claim 1 since claim 25 depends from claim 1. If claim 35 is changed to depend directly from claim 1 then claim 34 and claim 35 will be duplicate claims. Appropriate correction is required. If applicant incorporates the limitations of claim 1 into these claims then this dependency problem will be corrected.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-38 and 59-62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding

claims 1, 12, 25, 29, 34, and 35. In claim 1 there is a variable, α_i , which is not defined making this claim indefinite. Claims 12, 25, 29, and 34 (and possibly claim 35 if it incorporates all the limitations of claim 1) all are indefinite since they all incorporate the limitations of claim 1.

Allowable Subject Matter

5. Claims 1, 12, 25, 29, 34, and 35 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-11, 13-24, 26-28, 30-33, 36-38, and 59-62 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Donescu et al. (EP 10343687 A1) discloses a scaling factor which scales the set of coefficients to embed a watermark (page 2 lines 22-33).

Bender et al. (U.S. patent 5,870,499) teaches a embedding a watermark at random locations.

Contact Information

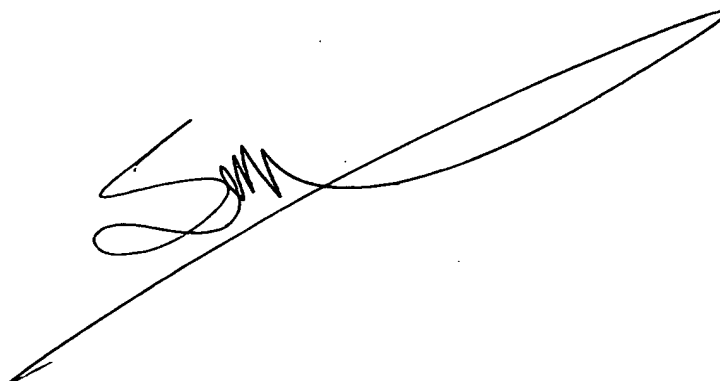
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Bhatnagar whose telephone number is (571) 272-7416, whose acting supervisor is Jingge Wu whose number is (571) 272-7429, Central fax is 571-273-8300, and Tech center 2600 customer service office number is 703-306-0377.

AB

Anand Bhatnagar

Art Unit 2623

August 21, 2005

A handwritten signature in black ink, appearing to read 'SAMIR AHMED', written over a long, sweeping horizontal line that extends across the page.

**SAMIR AHMED
PRIMARY EXAMINER**